

**Court of Appeals, State of Michigan**

**ORDER**

AmeriCredit Financial Services, Inc. v Messina Used Cars, Inc.

Docket No. 298091

LC No. 09-005751-CK

Joel P. Hoekstra  
Presiding Judge

David H. Sawyer

Jane M. Beckering  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES that part of the circuit court's order remanding the case to the district court because according to the allegations in the complaint, plaintiff sought damages in excess of \$25,000, and "A court's subject-matter jurisdiction is determined only by reference to the allegations themselves, not the subsequent proceedings." *Luscombe v Shedd's Food Products Corp*, 212 Mich App 537, 541; 539 NW2d 210 (1995); MCL 600.801. See also Admin Order No 1998-1, 457 Mich lxxxv (1998) In all other respects, the delayed application for leave to appeal is DENIED for failure to persuade of the need for immediate review.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**JAN - 4 2011**

Date

*Sandra Schultz Mengel*  
Chief Clerk